

CIVIL SUIT NO.: 2021-CV-445

ARNETHA BOYD

PINEVILLE CITY COURT

VERSUS

PARISH OF RAPIDES

WAL-MART STORES, INC.

STATE OF LOUISIANA

MOTION TO TRANSFER TO DISTRICT COURT

NOW INTO COURT, through undersigned counsel, comes defendant, Wal-Mart Stores, Inc. ("Walmart"), who, pursuant to La. C.C.P. art. 4873, moves to transfer this case to district court for the following reasons:

1.

On December 20, 2021, plaintiff filed their Petition for Damages against Walmart. (Exhibit A). In the Petition for Damages, Paragraph 7, plaintiff asserts that her damages exceed \$10,000, but are not greater than \$50,000. (Exhibit A ¶ 7).

2.

Louisiana Code of Civil Procedure Article 4873 permits a party to transfer a case to district court if the matter is one which "defendant would have been entitled to trial by jury if commenced in district court, and that defendant desires trial by jury."

3.

Louisiana Code of Civil Procedure Article 1733 provides the right to a trial by jury if the petitioner admits that their cause of action exceeds \$10,000.

4.

Accordingly, Walmart asserts that they would have been entitled to a jury trial if this matter had been initiated in district court, and Walmart desires a trial by jury.

5.


Therefore, under Louisiana law, Walmart is permitted to transfer this case from Pineville City Court to the Ninth Judicial District Court, so that Walmart may obtain the desired trial by jury.

WHEREFORE, defendant, Wal-Mart Stores, Inc., prays that this Motion be granted and that this present suit be transferred to the Ninth Judicial District Court so that Walmart may obtain the desired trial by jury.



Respectfully Submitted,

CHADWICK, ODOM, & STOKES, LLC


R. O'Neal Chadwick, Jr. (#19517)
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W. Alex Hooper (#39483)
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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served on all counsel of record by depositing same in the United States mail, properly addressed and postage prepaid, or by fax or email, the 23 day of February, 2022.


W. Alex Hooper (#39483)

CIVIL SUIT NO: 2021-CV-445

ARNETHA BOYD

* PINEVILLE CITY COURT

Versus

* PARISH OF RAPIDES

WAL-MART STORES, INC.

* STATE OF LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT comes plaintiff, **ARNETHA BOYD**, a resident of the Parish of Rapides, State of Louisiana, who respectfully presents the following:

1.

Made defendants are:

WAL-MART STORES, INC., a foreign corporation licensed to do and/or doing business in the State of Louisiana who may be served through its agent of service of process CT Corporation System, 3867 Plaza Tower Road, Baton Rouge, Louisiana 70816;

2.

Defendants herein are individually, jointly and in solido responsible unto plaintiff for damages enumerated herein. In addition, plaintiff is entitled to legal interest from the date of judicial demand and all costs of these proceedings.

3.

On or about August 12, 2021, plaintiff, **ARNETHA BOYD** was a customer in Walmart Supercenter, located in the town of Pineville, which is in the state of Louisiana. While walking through the store, Arnetha Boyd slipped and fell in a wet substance located on the floor. The wet substance on the floor was the result of buffing machine being operated by a Walmart employee and/or third party at the request of the defendant. A wet substance was spraying water from the buffing machine onto the floor, creating, an unreasonably hazardous condition.

4.

The incident was caused by the negligence and fault of defendant, **WAL-MART STORES, INC** in the following particulars:

- a. Failure exercise reasonable care to keep the aisles, passageways and floors of the store in a reasonably safe condition.
- b. Failure to keep the floor free of the hazardous condition, the, which caused plaintiff to slip and fall.
- c. Failure to implement adequate cleaning procedures for the aisles within the store;
- d. Failure to recognize and timely clean the spill in question;
- e. Failure to place warning signs on the affected area;
- f. Failure to warn the plaintiff and/or customers of the existence of the affected area;
- g. Failing to make periodic inspection of the aisles within the store to determine whether an unreasonably dangerous condition exists;

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- h. Failure to maintain it's equipment resulting in the leak and accumulation of water on the floor; and
- i. Other acts of negligence and fault that will be shown at the trial of this matter.

5.

As a result of the above-described accident, plaintiff **ARNETHA BOYD** suffered injuries to her body and mind including but not limited to her neck, shoulders and low back.

6.

As a result of the above described accident and related injuries, plaintiff, **ARNETHA BOYD** sustained the following damages:

- a. Physical pain and suffering (past and future);
- b. Mental pain and suffering (past and future);
- c. Medical bills (past and future);
- d. Loss of enjoyment of life (past and future);
- e. Physical disability;
- f. Loss of use.

7.

Plaintiff claims damages from the defendants in an amount deemed reasonable in the premises. Plaintiff's damages exceed \$10,000, but are not greater than \$50,000.

8.

Attached are Interrogatories and Request for Production of Documents that are to be answered in accordance with the law.

WHEREFORE, plaintiff prays that her petition be filed and served upon defendants, ordering them to answer the allegations contained herein; that after legal delays and proceedings are complete, there be judgment in favor of plaintiff, **ARNETHA BOYD**, and against defendant, **WAL-MART STORES, INC**, for damages in an amount reasonable in the premises, together with legal interest from the date of this demand and for all costs of these proceedings.

Plaintiff further prays for all general and equitable relief.

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Respectfully Submitted:

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SERVICE INFORMATION

WAL-MART STORES, INC.,
who may be served through its agent of service of process
CT Corporation System
3867 Plaza Tower Road
Baton Rouge, Louisiana 70816

I certify that the foregoing is a true and
correct copy of the original on file and of
record in the Office of the City Court, this
29 day of Dec. 21
Clerk of the Court 

CIVIL SUIT NO.: 2021-CV-445

ARNETHA BOYD

PINEVILLE CITY COURT

VERSUS

PARISH OF RAPIDES

WAL-MART STORES, INC.

STATE OF LOUISIANA

TRANSFER ORDER

HAVING CONSIDERED the foregoing and pursuant to Louisiana Code of Civil Procedure Article 4873:

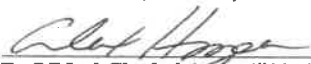
IT IS HEREBY ORDERED that the above matter be transferred to the Ninth Judicial District Court so that this matter may be tried before a jury.

Rapides Parish, Louisiana, this ____ day of _____, 2022.

Pineville City Court Judge

Respectfully Submitted,

CHADWICK, ODOM, & STOKES, LLC


R. O'Neal Chadwick, Jr. (#19517)
Gregory B. Odom, II (#33470)
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W. Alex Hooper (#39483)